

# HOUSE BILL No. 1178

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-14; IC 35-44-3-12.

**Synopsis:** Police radio permits. Specifies a procedure for a person to obtain written permission from the chief law enforcement officer of an agency to use a police radio. Requires the law enforcement agency to maintain documents and records regarding an application for permission to use a police radio. Makes it a Class C infraction if a person does not have the approved application for permission available when a law enforcement officer demands it. Provides that all permission granted before July 1, 2003, expires January 1, 2004.

**Effective:** July 1, 2003.

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January 8, 2003, read first time and referred to Committee on Judiciary.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1178

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 5-2-14 IS ADDED TO THE INDIANA CODE AS  
2       A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3       1, 2003]:

4       **Chapter 14. Police Radios**

5       **Sec. 1. As used in this chapter, "chief executive officer" refers**  
6       **to the chief executive officer of a law enforcement agency.**

7       **Sec. 2. As used in this chapter, "police radio" has the meaning**  
8       **set forth in IC 35-44-3-12(c).**

9       **Sec. 3. Written permission to use a police radio that was granted**  
10       **by the chief executive officer under IC 35-44-3-12(b)(5):**

11       **(1) before July 1, 2003; and**

12       **(2) that has not been revoked;**

13       **expires January 1, 2004. This section expires January 2, 2004.**

14       **Sec. 4. After December 30, 2003, a person who wants to obtain**  
15       **written permission from a chief executive officer to use a police**  
16       **radio under IC 35-44-3-12(b)(5) must do the following:**

17       **(1) Complete and sign an application form prescribed by the**



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law enforcement agency. The form must contain the following information regarding the applicant:

- (A) Name.
- (B) Home address.
- (C) Business address.
- (D) Telephone number.
- (E) Signature.
- (F) Any other information the law enforcement agency requires. However, the law enforcement agency may not request the applicant's Social Security number.

(2) Submit the completed application to the law enforcement agency in person or by mail.

Sec. 5. (a) The chief executive officer shall approve or deny the application. Approval or denial of the application is within the sole discretion of the chief executive officer.

(b) The chief executive officer shall stamp or mark on the application:

- (1) whether the application is approved or denied; and
- (2) the date of the approval or denial.

(c) The law enforcement agency shall send to the applicant a copy of the application indicating whether the application has been approved or denied.

Sec. 6. The law enforcement agency shall maintain the following:

- (1) Any application filed with the agency under this chapter.
- (2) Any written correspondence between the law enforcement agency and a person regarding:
  - (A) the person's application; or
  - (B) revocation of written permission given to a person; under this chapter.
- (3) A list of all persons who have:
  - (A) had an application granted or denied; or
  - (B) had permission to carry a police radio revoked; under this chapter.

Sec. 7. (a) Except as provided in sections 3 and 8 of this chapter, permission that is granted under this chapter expires one (1) year after the date the application is approved.

(b) A person may submit an application under this chapter to obtain permission to use a police radio if the person's grant of permission expires.

Sec. 8. (a) The chief executive officer may revoke permission to carry a police radio that is granted under this chapter. Revocation

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of the permission is within the sole discretion of the chief executive officer.

(b) If the chief executive officer revokes permission granted under this chapter, the law enforcement agency shall notify the person in writing that permission has been revoked.

(c) If permission is revoked under this chapter, a person may not submit an application under this chapter for permission to use a police radio earlier than one (1) year after the date the permission was revoked.

**Sec. 9.** The records maintained by the law enforcement agency under section 6 of this chapter are public records subject to inspection and copying under IC 5-14-3.

**Sec. 10.** If a person's application is approved under section 5 of this chapter, the person shall:

- (1) maintain a copy of the approved application with the police radio; and
- (2) make a copy of the approved application available for inspection upon demand by a law enforcement officer.

**Sec. 11.** A person who violates section 10 of this chapter commits a Class C infraction.

SECTION 2. IC 35-44-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) A person who knowingly or intentionally:

- (1) possesses a police radio;
- (2) transmits over a frequency assigned for police emergency purposes; or
- (3) possesses or uses a police radio:
  - (A) while committing a crime;
  - (B) to further the commission of a crime; or
  - (C) to avoid detection by a law enforcement agency;

commits unlawful use of a police radio, a Class B misdemeanor.

(b) Subsection (a)(1) and (a)(2) do not apply to:

- (1) a governmental entity;
- (2) a regularly employed law enforcement officer;
- (3) a common carrier of persons for hire whose vehicles are used in emergency service;
- (4) a public service or utility company whose vehicles are used in emergency service;
- (5) a person who has written permission from the chief executive officer of a law enforcement agency to possess a police radio as set forth in IC 5-2-14;
- (6) a person who holds an amateur radio license issued by the

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1 Federal Communications Commission if the person is not  
 2 transmitting over a frequency assigned for police emergency  
 3 purposes;

4 (7) a person who uses a police radio only in the person's dwelling  
 5 or place of business;

6 (8) a person:

7 (A) who is regularly engaged in newsgathering activities;

8 (B) who is employed by a newspaper qualified to receive legal  
 9 advertisements under IC 5-3-1, a wire service, or a licensed  
 10 commercial or public radio or television station; and

11 (C) whose name is furnished by ~~his~~ **the person's** employer to  
 12 the chief executive officer of a law enforcement agency in the  
 13 county in which the employer's principal office is located;

14 (9) a person engaged in the business of manufacturing or selling  
 15 police radios; or

16 (10) a person who possesses or uses a police radio during the  
 17 normal course of the person's lawful business.

18 (c) As used in this section, "police radio" means a radio that is  
 19 capable of sending or receiving signals transmitted on frequencies  
 20 assigned by the Federal Communications Commission for police  
 21 emergency purposes and that:

22 (1) can be installed, maintained, or operated in a vehicle; or

23 (2) can be operated while it is being carried by an individual.

24 The term does not include a radio designed for use only in a dwelling.

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